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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/542,602

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James J. Crow

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02/09/2005

D' Ann Naylor Rifai
CAMPBELL STEPHENSON ASCOLESE, LLP
4807 Spicewood Springs Rd.
Bldg. 4, Suite 201
Austin, TX 78759

EXAMINER

MIRZA, ADNAN M

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,602

Applicant(s)

CROW ET AL.

Examiner

Adnan M Mirza

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,477,580) and further in view of Johnson et al (U.S. 2002/0095400).

As per claims 16,22-24,25 Bowman-Amuah disclosed a method for managing a plurality of services located on a plurality of servers as an extensible services, comprising: providing a service map management service that receives service location information from each of the plurality of services and generates a service location map comprising a listing of at least one of the plurality of the services included on the extensible service bus and server location information corresponding to each service of the at least one service (col. 117, lines 31-57); a connection status service to monitor the connection status of subscribers and the servers connected to the extensible service bus (col. 60, lines 59-67 & col. 61, lines 1-9); and providing a network control service, wherein the network control service causes a setting on a network device to change to establish a network physical connection to the agent machine, and the network physical connection compiles with a requirement for the agent machine to use one of plurality of services (col. 98, lines 57-67).

However Bowman-Amuah did not disclose in details providing a registration service where an agent machine can register as a subscriber with the extensible service bus and receive a subscriber identification; providing a login service where the agent machine can connect to the extensible service bus using the subscriber identification.

In the same field of endeavor Johnson disclosed in one embodiment, content delivery bandwidth utilization by individual content supplier or users may be tracked and logged by system management engine enabling an operator of the content supplier or users may be tracked and logged by system management engine enabling an operator of the content delivery system to charge each content supplier or user on the basis of the content volume delivered (Page. 10, col. 0095). Non-continuous and/or stored information management of unique/non-unique information, anticipated number of simultaneous subscribers and/or simultaneous stream evenst duration, system resources per subscriber (Page. 31, col. 0261).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated providing a registration service where an agent machine can register as a subscriber with the extensible service bus and receive a subscriber identification; providing a login service where the agent machine can connect to the extensible service bus using the subscriber identification as taught by Johnson in the method of Bowman-Amuah to increase the utilization of the server and maintain a premium quality for the customer.

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3. As per claim 17 Bowman-Amuah and Johnson disclosed providing a subscriber profile database service that stores subscriber data that is required for access to the extensible service bus (Johnson, Page. 35, col. 0291 & 0292).

4. As per claims 18 & 19 Bowman-Amuah and Johnson disclosed transmitting a copy of the service location map to each subscriber to the extensible service bus (Bowman-Amuah, col. 117, lines 31-57).

5. As per claim 20 Bowman-Amuah and Johnson disclosed providing a message posting service for sending messages directly to subscriber when the subscriber is connected to the extensible service bus (Bowman-Amuah, col. 65, lines 22-30).

6. As per claim 21 Bowman-Amuah and Johnson disclosed state change service enables the agent machine to communicate via the broadband network (Bowman-Amuah, col. 40, lines 23-29).

7. As per claim 26 Bowman-Amuah and Johnson disclosed further comprising causing the agent machine to install a service interface (Bowman-Amuah, col. 258, lines 51-67).

8. As per claim 27 Bowman-Amuah and Johnson disclosed further comprising causing the agent machine to update a service interface (Bowman-Amuah, col. 260, lines 15-30).

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9. As per claim 28 Bowman-Amuah and Johnson disclosed further comprising causing the agent machine to update a load balancing algorithm (Bowman-Amuah , col. 217, lines 10-17).

10. As per claim 29 Bowman-Amuah and Johnson disclosed further comprising causing the agent machine to update a fail over mechanism (Bowman-Amuah, col. 256, lines 48-67).

11. As per claim 30 Bowman-Amuah and Johnson disclosed further comprising causing the agent machine to interact in accordance with a distribution architecture (Bowman-Amuah, lines 15-27).

12. As per claims 31-35 Bowman-Amuah and Johnson disclosed wherein the network device is not one of the plurality of servers (Johnson, Page. 4, Paragraph. 0047).

13. As per claims 36-40 Bowman-Amuah and Johnson disclosed wherein the setting is a desired line speed (Bowman-Amuah, col. 70, lines 31-42).

Applicant's arguments are as follows:

12. Applicant argued that prior art did not disclose control of an agent machine, and in particular control, of an agent machine when the agent machine access a second network within the first network.

As to applicants argument Bowman-Amuah disclosed The Netcentric Architecture framework identifies those run-time services required when an application executes in a Netecentric environment. As shown in Fig. 10, the services can be broken down into logical areas:

Presentation services, information services, Communication services. Communication Fabric Services 1010, Transaction services 1012,1014, Environment services 1016,1018, Base Services 1020 and business Logic 1022,1024. This frame-work is an evolution of the Client Server New Age Systems Framework and is useful for technical architects involved in the selection, development and deployment of technical architectures in a Netcentric environment (col. 31,lines 59-67 & col. 32, lines 1-4).

13. Applicant argued that prior art did not disclose providing a network control service, wherein the network control service causes a setting on a network device to change to establish a network physical connection to the agent machine, and the network physical connection compiles with a requirement for the agent machine to use one of plurality of services.

As to applicant's arguments Bowman-Amuah disclosed Although there are two physical transactions occurring, this entire business process is represented as a single logical transaction. Transaction Partitioning services allow the application to ensure that the individual transaction occur across the different UNIX and MVS systems and that the single logical transaction is completed and successful when the individual physical transaction are completed and successful.

Conclusion

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

16. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

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17. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

18. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

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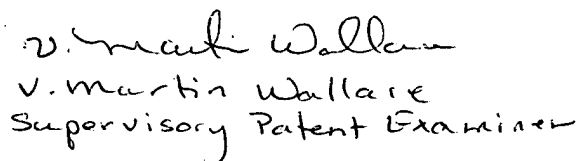
Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.



Adnan Mirza

Examiner



V. Martin Wallare
Supervisory Patent Examiner